

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**SMITHFIELD FOODS, INC.,
PATRICK CUDAHY, INC.,
ALLIANZ GLOBAL RISKS US INSURANCE CO.,
ACE AMERICAN INSURANCE CO.,
GENERAL SECURITY INDEMNITY
COMPANY OF ARIZONA,
LIBERTY MUTUAL FIRE INSURANCE CO.,
TOKIO MARINE AND NICHIDO FIRE
INSURANCE COMPANY, LTD., and
CERTAIN UNDERWRITERS AT LLOYD'S OF
LONDON AND ITS MEMBERS SUBSCRIBING
TO CONTRACT NO. DP685509(1), UNIQUE
MARKET REFERENCE B0509685509,**

Plaintiffs,

-v-

Case No. 13-C-651

UNITED STATES OF AMERICA,

Defendant.

ORDER

This lawsuit, filed under the Federal Tort Claims Act, alleged that the Defendant United States' negligence with respect to a military flare caused a July 2009 fire at Patrick Cudahy, Inc.'s Milwaukee-area meat packing plant. In 2014, the Court held that California negligence law applies because the United States' alleged act of negligence occurred in California. *Smithfield Foods v. United States*, 69 F. Supp. 3d 915, 923 (E.D. Wis. 2014), reconsideration denied, 2015 WL 269922, at *1 (Jan. 21,

2015). This past summer, the parties reached an agreement regarding liability and, in late fall, the remaining damages issues were tried to the Court. Following the trial, the parties filed proposed findings of fact and conclusions of law addressing the damage issues under Wisconsin law.

Because the parties did not brief the issues under California law, they must file revised proposed findings of fact and conclusions of law, which do not incorporate by reference any portion of that party's prior proposed findings of fact and conclusions of law. The following schedule applies: (1) The Plaintiffs' revised proposed findings of fact and conclusions of law must be filed on or before March 18, 2016; (2) The United States' revised proposed findings of fact and conclusions of law must be filed on or before April 18, 2016; and (3) The Plaintiffs' reply must be filed on or before May 2, 2016.

SO ORDERED at Milwaukee, Wisconsin, this 11th day of February, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA